IN THE HIGH COURT OF JUDICATURE AT BOMBAY

Appellate Side

Writ Petition 876l of 2005

Shri Rajshekhar S Vairagkar..Petitioner
vs
Shivnand G Chivari and ors..Respondents

Mr.Anand S Kulkarni for petitioner
Ms S M Dandekar for respondents

CORAM: S.U.KAMDAR J.

Dated 2l.l2.2005

P.C:

. The present petition is challenging the order dated 2l.l0.2005 by which the trial court has refused to take the written statement on record. There is delay in filing the written statement of about 5 months. The learned counsel for the petitioner states that the suit which was originally filed in the court of Civil Judge S D at Solapur was transferred to the Court of Civil J D (Municipal) Solapur therefore papers were not traceable and could not file the written statement. In my opinion in the interest of justice party should be permitted to file the written statement particularly in the light of the explanation furnished herein. In that view of the matter the impugned order dated 2l.l0.2005 is quashed and set aside. The petitioner is permitted to file the

written statement within two weeks from today before the trial court. If the written statement is not filed within two weeks from today, petition to stand dismissed. If the written statement is filed the trial court to proceed from the stage of filing of the written statement in the matter. The petitioner to pay cost quantified at Rs.2000 to the respondent. Hearing of the Suit No.ll6 of 2005 which is pending before the Civil Court J D (Municipal) Solapur is expedited.